

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 5, 2008

No. 08-20113
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BALDEMAR CARDENAS

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:00-CR-430-ALL

Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Baldemar Cardenas has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Cardenas has not filed a response.

Cardenas was serving a three-year term of supervised release when, in February 2008, he was arrested for violating the terms of his supervised release by failing to report to his probation officer. At his revocation hearing, Cardenas

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

pleaded "true" to the allegations; and he raised no objections. The district court determined the advisory guideline range to be six to nine months imprisonment; and it imposed a sentence of nine months imprisonment. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. *Id.* at 744.

Accordingly, counsel's motion for leave to withdraw is GRANTED; counsel is excused from further responsibilities herein; and the appeal is DISMISSED. See 5TH CIR. R. 42.2.